

REMARKS

Claims 1 – 26 remain in the application and stand finally rejected. A proposed amendment to claims 4, 13 and 23 is offered herein. Although this Amendment is being timely filed, the Commissioner is hereby authorized to charge any fees that may be required for this paper or credit any overpayment to Deposit Account No. 19-2179.

A proposed amendment to claims 4, 13 and 24 is offered herein. In particular, no reference of record shows or suggests a position location receiver in a cell phone collecting location and signal strength information and forwarding collected information to a BTS as amended claims 4, 13 and 24 specifically recite. The amendment to claims 4, 13 and 24 is supported by the claims as filed and the application in general. No new matter has been added. Entry of the amendment, consideration and allowance is respectfully solicited.

Essentially repeating the previous rejection, in finally rejecting the present application it is again asserted that claims 1, 2, 4, 5, 10 – 13, 18, 19, 21 and 22 are unpatentable under 35 U.S.C. §102(b) over U.S. Patent No. 5,095,500 to Tayloe et al.; that claims 1, 2, 4, 5, 10 – 13, 18, 19, 21 and 22 are unpatentable under 35 U.S.C. §102(e) over published U.S. Patent Application No. 2002/0009992 to Jensen; and, that claims 3 and 20 are unpatentable under 35 U.S.C. §103(a) over Jensen alone. It is also asserted again, that claims 6 – 9, 14 – 17, and 23 – 26 are unpatentable under 35 U.S.C. §103(a) over Jensen in further combination with U.S. Patent No. 6,677,894 to Sheynblat et al. The final rejection is respectfully traversed.

In responding to the applicants' previous response, the final Office action asserts that “Tayloe teaches the claimed invention as the mobile unit location and corresponding signal quality data are passed to the base station [col. 4: lines 28-32]. Tayloe also teaches that the mobile unit location can be determined by global positioning systems [col. 3: lines 43-46].”

Tayloe et al. “teaches locating the position of the mobile unit. Mobile unit location **may be determined by a host** of radiolocation means which vary in their levels of sophistication

from radio ranging to global positioning systems.” Col. 3, lines 42 – 46 (emphasis added). This says nothing about including a “position location receiver in at least one MS unit” as claim 1, for example, recites. That one may do something is not the same as doing the thing, nor does the above recitation teach or suggest that the GPS function is in the Mobile unit. To the contrary, however, Tayloe et al. specifically teaches that, “each **base station** is equipped with a **locator** 103, 108, and 113 which employs **signal strength** measurements and **timing advance** techniques for **locating and tracking** the position of mobile units engaged in active calls.” *Id.*, lines 46 – 50. From this one can only conclude that if Tayloe et al. is using GPS receivers, the GPS receivers (103, 108, and 113) are located in base stations. Furthermore, Tayloe teaches ascertaining

Mobile unit distances ... from timing advance information. Timing advance is the **round trip propagation** time of a call travelling from the base to a mobile unit and back. From this information, the mobile unit’s distance from the base is calculated. Once the mobile unit’s distance from the base is known, mobile unit **bearing is approximated** by monitoring the signal strength levels of **adjacent cells** for omni-directional antennae, **or adjacent sectors** for sector-directional antennae. In order to track the position of a mobile unit, **both the bearing and the distance data are collected** and recorded at periodic rates.

Id., lines 51 – 62 (emphasis added), *and see*, col. 4, lines 8 – 11. Thus, Tayloe et al. base stations 101, 106, 111 (not the Tayloe et al. mobile device 100), use triangulation to determine mobile unit 100 position. Moreover, “each mobile unit is designed to measure the signal strength and the signal quality of the calls transmitted by the servicing and adjacent base stations, and to report this data to the servicing base station.” Col. 4, lines 28 – 32. There is nothing here to even hint that the Tayloe et al. mobile unit includes a “position location receiver” as claim 1, for example, recites. “Monitoring is then typically a base station function which comprises collecting and correlating the received signal strength and signal quality data and comparing these parameters to expected values in order to determine their validity.” *Id.*, lines 32 – 36. While descriptive of Tayloe et al. base station function, this provides nothing about mobile unit function.

Thus, Tayloe et al. does not teach (nor suggest modifying the Tayloe et al. Mobile unit to result in) the present invention, e.g., as recited claim 1 and correspondingly in claim 11, wherein a wireless communications network with “a base transceiver station (BTS) in each said network

cell;” and “a **positioned MS unit** selectively providing located reception measurements to said BTS, located reception measurements **including** a current MS unit **location** [and] current signal reception **measurements.**” (emphasis added). Neither does Tayloe et al. teach positioned MS units that include a position location receiver as recited in claim 11 and amended claim 4. Nor does Tayloe et al. teach “measuring signal reception level at a Mobile Subscriber (MS) unit;” and “providing measured said reception level and said located position to a base transceiver station (BTS)” as Claim 19 recites. Therefore, Tayloe et al. does not result in the present invention as claimed in any of claims 1, 11, or 19, amended claim 4 or in any claims depending therefrom. Reconsideration and withdrawal of the final rejection of claims 1, 2, 4, 5, 10-13, 18, 19, 21 and 22 over Tayloe et al. under 35 U.S.C. §102(b) is respectfully requested.

In further responding to the applicants' previous response, the final Office action asserts “that Jensen teaches the claimed invention as the mobile unit includes a GPS receiver to determine its location and then transmits this information to the network [paragraph 0014]. Jensen also teaches that the signal strength information is correlated with the location of the mobile unit [paragraphs 0018, 0036].”

However, Jensen specifically teaches gathering

location specific signal strength data by **detecting the strength of signals received from** mobile units and by using one or more methods for determination of the location of the wireless mobile unit to determine the geographic location corresponding to the signal strength. The **mobile units are standard mobile devices**, such as cellular phones operated by common system subscribers. However, specialized test units can be used as the mobile unit in the present invention. Instead of drive testing and using mobile signal data collection equipment, as described above, the system of the present invention collects data at the antenna sites. The **received signal strength** from a plurality of mobile units is collected **at the antenna**. The location of each mobile unit is determined by one of the location techniques described above. The system then uses signal strength information to determine path loss information on the uplink signal and location information to create a database of reference points from which the system coverage quality can be determined

Paragraph 0011, (emphasis added). Further, “[t]he system determines path loss from a combination of the known mobile unit antenna power and the cellular unit power measured at **the cell site antenna.**” Paragraph 0013, (emphasis added). Thus, a Jensen BTS measures signal

strength. Further, while in paragraph 0014 Jensen teaches that “handset-based wireless location systems include enhanced global positioning systems and enhanced observed time difference”, handheld GPS units are readily available at electronics stores. Moreover, this falls far short of “a position location receiver in at least one MS unit, said at least one MS unit being a positioned MS unit selectively providing located reception measurements to said BTS, located reception measurements including a current MS unit location with current signal reception measurements.” Claim 1, lines 6 – 9. Neither does Jensen teach positioned MS units that include a position location receiver as recited in claims 1 and 11; nor, “measuring signal reception level at a Mobile Subscriber (MS) unit;” and “providing measured said reception level and said located position to a base transceiver station (BTS)” as Claim 19 recites. Therefore, Jensen does not teach the present invention as claimed in any of claims 1, 11, or 19, or in any claims depending therefrom. Reconsideration and withdrawal of the final rejection of claims 1, 11, and 19 over Jensen under 35 U.S.C. §102(e) is respectfully requested.

Furthermore, since dependent claims include all of the differences with the references as the claims from which they depend, neither Tayloe et al. or Jensen teaches or suggests the present invention as recited in dependent claims 2 – 5, 10, 12, 13, 18 or 20 – 22, which depend from claims 1, 11, and 19, respectively. Reconsideration and withdrawal of the final rejection of claims 2, 4, 5, 10, 12, 13, 18, 21 and 22 over Tayloe et al. under 35 U.S.C. §102(b) and of claims 2 – 5, 10, 12, 13, 18, and 20 – 22 over Jensen under 35 U.S.C. §§102(e) and 103(a) is respectfully requested.

In further responding to the applicants' previous response, the final Office action asserts that “Sheynblat is solely relied upon to provide evidence that providing location specific information to a mobile unit is well known and common in the art. [Jensen and Sheynblat] teach using GPS to locate a mobile unit and are thus combinable.” Thus, since Sheynblat adds nothing that was missing from either Tayloe et al. or Jensen, and since, for the reasons set forth above that neither reference (Tayloe et al. or Jensen) teaches or suggests the present invention as recited in 1 – 5, 10 – 13, and 19 – 22, the combination of Sheynblat with either Tayloe et al. or Jensen still does not result in the present invention as recited in claims 1 – 5, 10 – 13, or 18 – 22, much less as recited in claims 6 – 9, 14 – 17, and 23 – 26. Reconsideration and withdrawal of the final

rejection of claims 6 – 9, 14 – 17, and 23 – 26 over Jenson in combination with Sheynblat et al.
under 35 U.S.C. §103(a) is respectfully solicited.

The applicants thank the Examiner for efforts, both past and present, in examining the application. Believing the application to be in condition for allowance for the reasons set forth above, the applicants respectfully request that the Examiner enter the amendment, reconsider and withdraw the final rejection of claims 1 – 26 under 35 U.S.C. §§102(b), (e) and 103(a) and allow the application to issue.

Should the Examiner believe anything further may be required, the Examiner is requested to contact the undersigned attorney at the telephone number listed below for a telephonic or personal interview to discuss any other changes.

Respectfully submitted,

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(Date)

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